

IN THE MATTER OF THE)
) Case No. 53S00-0712 -MS- 588
APPROVAL OF LOCAL RULES)
)
)
FOR MONROE COUNTY)

The judges of the Monroe Circuit Court request the approval of amended local rules: for caseload allocation in accordance with Ind. Administrative Rule 1(E), and appointment of special judges in accordance with Ind. Trial Rule 79. Attached to this Order are the proposed amended local rules.

Galvin, Monroe Circuit Court, Div. 6, 301 North College Avenue, Bloomington, IN 47404-3865; the Hon. David L. Welch, Monroe Circuit Court, Div. 7, 301 North College Avenue, Bloomington, IN 47404-3865; the Hon. Teresa Harper, Monroe Circuit Court, 301 North College Avenue, Bloomington, IN 47404; the Hon. Christine Talley Haseman, Monroe Circuit Court, 301 North College Avenue, Bloomington, IN 47404; and to the Clerk of the Monroe Circuit Court, and to post this Order on the Court's website dealing with local rule amendments.

The Clerk of the Monroe Circuit Court is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 19th day of December, 2007.

RT Shepard

Randall T. Shepard
Chief Justice of Indiana

6. Meetings will be held on the first and ~~second~~ third Wednesday of each month at 5:00 p.m. and at such other times as the Board may agree.

7. There will be at least two in-service meetings per year.

LR53-AR00-0106

EMERGENCY CLOSING

1. The Presiding Judge, after consultation with the Board of Judges, if practical, may determine that the Courts are closed due to a temporary emergency (e.g., snow, breakdown in facility utilities.) Any judge, notwithstanding that authority, may require his or her court reporters to work.
2. See *Monroe County Personnel Policy 4.4*; County Commissioners have the authority to close the Justice Building.

LR53-AR00-107

CRIMINAL DUTY JUDGE RESPONSIBILITIES

1. The Criminal Duty Judge shall be available by pager each Saturday and Sunday at 3:00 PM for the purpose of conducting probable cause hearings for those incarcerated defendants arrested on the prior Thursday and Friday. The prosecuting attorney shall provide an electronic recording of the hearing and shall deliver the tape recording to the Court on the morning of the next business day for the Court to transcribe the recording for entry into the Record of Judgments and Orders pursuant to I.C. 35-33-5-8.
2. The Criminal Duty Judge shall be responsible for initial hearings, probable cause determinations, restraining orders, and other judicial issues requiring immediate action.
3. The Criminal Duty Judge shall request incarcerated felony defendants to appear in court within 24 hours of their arrest, excluding weekends, to inform them of the reason for their hold. Each day the OCS staff will review the arrest list and inform the Criminal Duty Judge of these defendants.

LR53-AR01-108

CASELOAD ALLOCATION

Updated
1/1/08

A. Procedure. The Board of Judges shall:

1. Review and assess literature from the Indiana State Bar Association, the American Bar Association, and the National Center for State Courts.
2. Review and consider suggestions made by the Monroe County Bar, the Prosecuting Attorney and the Public Defender.

3. Review and analyze the statistics on current workload and caseflow within the Monroe Circuit Court.
 4. Analyze whether the current allocation is providing quality public service. There shall be a presumption in favor of the current allocation in order to preserve public confidence in the system, promote stability for the employees of the court system, and avoid inefficient use of personnel, time and resources to effectuate change. Caseload allocation shall be determined by judicial seniority.
- B. Implementation. The Clerk of Monroe County shall maintain a random filing system, by computer or otherwise, implementing the caseload allocation approved by the Board of Judges. If the caseload allocation is changed by order of the Board of Judges, the presiding judge shall forward the amended allocation to the Clerk of the Supreme Court and Court of Appeals, the State Court Administrator, the Clerk of Monroe Circuit Court, and the President of the Monroe County Bar Association. The current allocation follows:
1. Case Assignment The Clerk shall randomly assign all A, B, C, D felony and misdemeanor cases to Divisions II, III, ~~and V~~ and IX.
 - a. The Clerk shall randomly assign 50% of Civil cases to Division I and 50% to Division VI. Domestic relations cases shall be assigned randomly to Divisions I, IV, VI and VIII.
 - b. Probate, juvenile delinquencies, juvenile status, juvenile miscellaneous resulting from delinquent acts, juvenile paternity, adoptions, mental health and guardianship cases shall be assigned to Division VII.
 - c. Juvenile CHINS, juvenile miscellaneous filed by the Office of Family and Children, and juvenile terminations shall be assigned to Division VII.
 - d. Small claims cases shall be randomly assigned 50% to Divisions IV and 50% to Division VIII.
 - e. Infraction cases shall be randomly assigned to Divisions II, III, ~~and V~~ and IX.
 - f. Protective order cases shall be assigned to Division I, IV, VI and VIII by random assignment.
 - g. If there exists a previously filed domestic relations case involving the parties to the Protective Order case, the Protective Order case shall be consolidated with the previously filed domestic relations case.
 - h. Reciprocal support cases shall be assigned to Divisions ~~IV and VI~~ I, IV, VI and VIII.
 - i. A redocketed case bearing a 1992 or earlier cause number shall be randomly assigned to circuit divisions overseeing that case type as specified in the Caseload allocation (Rule 2) by the Clerk designated by case type for redocketed cases and shall remain with that division.

- j. A redocketed case bearing a 1993 or later cause number shall be assigned to the Court of original jurisdiction if that division in the reallocation of cases is assigned that case type, otherwise, it will be randomly assigned to a division with that jurisdiction.
2. Case Refiled: If a case is dismissed without prejudice on a plaintiff's motion, and the same case is subsequently refiled by a plaintiff, the refiled case shall be assigned to the same Division of the Monroe Circuit Court in which the dismissed case was originally filed providing that division is overseeing that case type. If that division is no longer hearing that case type, then the Clerk will randomly assign that case to a division with jurisdiction. "Same case" shall mean substantially the same cause of action, arising out of the same transaction or occurrence, and between substantially the same parties. If such a refiled case is not initially refiled in the same division of the Monroe Circuit Court, then upon motion of any party or Court, it shall be transferred to the Division of the Monroe Circuit Court in which it was originally filed.
3. Case Recusal: The Court Reporter shall notify the Clerk of the cases in which judges recuse themselves. Credit will be provided to the new division assigned.
- C. Case Consolidation. Cases filed which involve multiple-defendants arising out of same occurrence or multiple cases filed against the same defendant shall be consolidated and assigned to the division with the oldest cause number. Criminal cases shall be consolidated with the oldest pending cause number. Pending cases include defendants on Probation and in the Pre-Trial Diversion Program. Protective order cases shall be consolidated with related domestic relations cases.
- D. Case Transfer.
 1. Any divorce, support or custody case filed or pending in Divisions I, IV, VI and VIII, while there is an active CHINS case pending in Division VII, shall be transferred to Division VII. At the conclusion of the CHINS case, the divorce, support or custody case may be transferred back to the court of original jurisdiction.
 2. Nothing in this Rule shall preclude the transfer of an individual case from one division of the Circuit Court to another division to promote efficiency and
 3. Provide for timely resolution of cases. The transferring judge shall direct the Clerk to resubmit the case to a random filing system for assignment to another division, unless transfer to a specific division promotes judicial economy. Upon transfer, adjustments will be made in the Office of Court Services and the Clerk's office to maintain an equitable caseload allocation. This transfer procedure shall also be used when a judge disqualifies from a case pursuant to Trial Rule 79(C), Indiana Rules of Trial Procedure.

1. The judges of all the trial courts within Administrative District 10, as defined by Administrative Rule 3(A), have agreed to serve as special judges in civil cases when required by Trial Rule 79(H). The trial courts within Administrative District 10 are Owen Circuit Court; Monroe Circuit Court, Division 1 through and including § 9; Lawrence Circuit Court; Lawrence Superior Court 1; Lawrence Superior Court 2; Green Circuit Court; and Greene Superior Court. By agreement of the trial judges within Administrative District 10, senior judges shall not be appointed, pursuant to Trial Rule 79(H), as special judges in civil cases.
2. To provide for a fair distribution of special judge appointments pursuant to Trial Rule 79(H), a Facilitator shall be selected by the judges of the above named courts to assign special judges in civil cases pursuant to Trial Rule 79(H) as needed. The first Facilitator shall be the judge of the Greene Superior Court who shall serve until January 15, 1997, or until such time as a subsequent Facilitator is selected. Facilitators shall be selected at a meeting of the judges of Administrative District 10 during meetings of the Indiana Judicial Conference in December, or upon call of one-third of the judges within the Administrative District.
3. A trial court requiring the appointment of a special judge pursuant to Trial Rule 79(H) shall seek the assignment of a special judge from the Facilitator who shall advise the court where the case is pending of the name of the next judge on the Assignment List of Judges. The Facilitator shall assign judges from the Assignment List of Judges in the following consecutive order: Owen Circuit Court, Lawrence Superior Court, Division 2; Monroe Circuit Court, Division 3; Monroe Circuit Court, Division 7; Lawrence Circuit Court; Monroe Circuit Court, Division 1; Greene Superior Court; Monroe Circuit Court, Division 2; Lawrence Superior Court, Division 1; Monroe Circuit Court, Division 4; Greene Circuit Court; Monroe Circuit Court, Division 5; and Monroe Circuit Court, Division 6. If the Court seeking the appointment of a special judge pursuant to Trial Rule 79(H) is the Facilitator's Court, the Facilitator will appoint the next consecutive judge from the Assignment List, omitting such Facilitator's own name. After receiving the assignment of a special judge from the Facilitator, the Court seeking the assignment shall appoint such judge as special judge pursuant to Trial Rule 79(H).
4. If no judge is eligible to serve as special judge or the particular circumstances of the case warrant selection of a special judge by the Indiana Supreme Court such case shall be certified in the Indiana Supreme Court.

LR53-AR00-0110

ALLOCATION OF PROTECTIVE ORDER CASES

If there is a request for waiver of fees on a protective order case the Clerk will accept the filing and will immediately submit the file to judge of the division to which the protective order case was assigned. The file will be flagged as needing special attention.

LR53-AR01-0111

**ALLOCATION OF SMALL CLAIMS/EVICTIONS/ORDINANCE
VIOLATIONS/PROCEEDINGS SUPPLEMENTAL/INFRACTIONS**

Updated
1/1/08

1. Small Claims: Small Claims are filed randomly between two of the court divisions. A maximum of 150 new Small Claims will be filed during a week. The Clerk will set hearings on the claims by filling the time slots as they appear on a calendar at the rate of 25 cases per hour. These hearings are set on the first available date within 30 - 45 days of the filing date. The Clerk will enter the case electronically and issue the service before sending the file to the Court.
2. Bulk Filings are limited to 25 a day and 50 week.
3. Evictions: Eviction cases are randomly assigned by the Clerk to division four and division eight. The Clerk will enter the case data in JTS, issue a cause number and receipt for the plaintiff, mark the file as an eviction, tag the file with a marker requesting the Court to "Please set for hearing and return to Clerk." The Court sets the time within 15 to 45 days from the filing date. The case file is returned to the Clerk who issues service and completes the data entry in JTS.
4. Ordinance Violation: Ordinance Violation filings are limited to 25 a day and 50 a week. The City attorney will set their own hearing date and times in accordance with the Court docket.
5. Proceedings supplemental: Proceedings Supplemental are filed at the maximum rate of 75 cases per week. The Clerk will set all proceedings supplemental complying with the 21 to 45 day service requirements. The Clerk will execute the order to appear, input data into JTS, issue the service and send the file to the Court. Ordinance Violation Proceedings Supplemental are processed like small claim proceedings supplemental.
6. Infractions: Traffic tickets are filed in the Clerks Office by law enforcement. Traffic violations are assigned randomly to Division II, III, and V **and IX**. The prosecutor and clerk hold initial hearings each Thursday at 1:00 PM in Clerk's office.
7. At Initial Hearings, defendants either pay the citation, enroll in Infraction Diversion Program or are assigned a bench trial date. Jury trials are assigned to the Division of the initial case filing.

*In The
Indiana Supreme Court*

IN RE THE MATTER OF)	
REQUEST FOR APPROVAL)	
OF LOCAL RULES FOR THE)	CASE NUMBER:
COURTS OF RECORD IN)	
MONROE COUNTY)	

**NOTICE OF PROPOSED AMENDMENTS TO LOCAL RCOURT
RULES, FINDING OF GOOD CAUSE TO DEVIATE FROM THE
SCHEDULE FOR AMENDING LOCAL RULES, AND REQUEST
FOR APPROVAL OF CERTAIN LOCAL RULES**


The Judges of Monroe County, pursuant to Trial Rule 81(D), now find good cause exists to deviate from the schedule established by the Division of State Court Administration for the adoption and amendment of local rules.

The Judges of Monroe County request Supreme Court approval for the rules at LR53-AR01-108 and 0111 concerning Caseload Allocation, and at LR53-AR79-0109 concerning Special Judges in Civil Cases pursuant to TR 79(H).

Comments may be made to Bonnie Austin, Monroe County Courts, 301 North College Avenue, Bloomington, IN 47404, until December 31, 2007.

The attached local rules will be effective on January 1, 2008.

Submitted on this 29th day of November, 2007 for the Judges of Monroe County.



Kenneth G. Todd
Judge, Monroe Circuit Court Division 3